

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

1 FRANCISCO RAMOS; MARINA RESTO, *
2 individually and the legal *
3 conjugal partnership formed by *
4 them; FRANCISCO CORTEZ, ADA *
5 MORENO, individually and the *
6 legal conjugal partnership *
7 formed by them; EFRAIN GONZALEZ, *
8 MIGDALIA BERDECIA, individually *
9 and the legal conjugal *
10 partnership formed by them; *
11 JOSE COLON, MIRTA RIVERA, *
12 individually and the legal *
13 conjugal partnership formed by *
14 them; MYRNA FONT; VENANCIO *
15 RODRIGUEZ, MARIA RODRIGUEZ, *
16 individually and the legal *
17 conjugal partnership formed by *
18 them; and ANGEL MUÑOZ, ALMA *
19 PEREZ, individually and the *
20 legal conjugal partnership *
21 formed by them, *

13 Plaintiffs,

14 v.

15 VOLVO CAR CORPORATION; *
16 TREBOL MOTORS CORPORATION; *
17 TREBOL MOTORS DISTRIBUTOR *
18 CORP.; CONCHITA NAVARRO DE *
19 GONZALEZ, and RICARDO GONZALEZ *
20 NAVARRO, *

19 Defendants. *

20 ----- *

OPINION AND ORDER

22 Plaintiffs, Francisco and Marina Ramos; Francisco and Ada
23 Cortez; Efraín and Migdalia González; José and Mirta Colón; Myrna
24 Font; Venancio and María Rodríguez; and Angel and Alma Muñoz, bring
25 this action against Defendants, Volvo Car Corporation ("VCC"); Trebol
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Civil No. 96-1922 (JAF)

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SAN JUAN, P.R.

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Companies ("Trebol"); and Ricardo and Conchita González ("the
González Defendants"), alleging violations of the Racketeering
Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962
(1984).

Previously, we granted Defendant VCC's motion for summary
judgment. See Docket Document No. 125. Plaintiffs now move for
reconsideration of that Opinion and Order.

We meticulously presented the factual and procedural history of
this case and its predecessors in our earlier disposition. See id.
Thus, we refrain from repeating the same material. We simply address
our summary judgment determination and Plaintiffs' contentions.

After a thorough review of the record, we determined that the
doctrine of *res judicata* barred re-litigation of Plaintiffs' claims
against Defendant VCC. The First Circuit's prior disposition
addressed all claims that Plaintiffs raised against VCC; it was a
full disposition on the merits, and there was sufficient identity
between the parties and causes of action for the doctrine to apply.
See id.

Plaintiffs now allege that: (1) they did not have a full and
fair opportunity to litigate in the prior suit because of repeated
discovery violations committed by Defendant VCC; and (2) the parties
in the prior suit are not sufficiently similar as those in the

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1 instant case. Additionally, Plaintiffs move to supplement their
2 opposition to Defendant VCC's motion for summary judgment.

3 Essentially, Plaintiffs are asserting that they now possess
4 information which was unavailable to them by the prior disposition
5 and, thus, that the earlier lawsuit did not offer them a full and
6 fair opportunity to litigate their claims. We disagree. Plaintiffs
7 are attempting to present us with the exact same issues, which is
8 precisely what the doctrine of *res judicata* bars. See, e.g., Moitie,
9 452 U.S. at 401 (noting that at some point a case must end). While
10 seemingly harsh on the surface, to hold otherwise would invite
11 motions for reconsideration in every case where the party adversely
12 affected by a court ruling subsequently discovered or found new
13 information. Undoubtedly, there are cases of a continuing or
14 sequential nature in which each successive suit brings more
15 information. Nonetheless, each new discovery is not an occasion to
16 revisit earlier dispositions. Furthermore, we find that Plaintiffs'
17 claims were fully and fairly decided in the previous action. Cf. Goel
18 v. Heller, 667 F.Supp. 144, 149 (D.N.J. 1987) (finding that dismissal
19 of counterclaim was adjudication on the merits for *res judicata*
20 purposes).
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23 Moreover, as we fully discussed in our previous disposition, we
24 find the parties to be sufficiently similar in both actions. As we
25 previously stated:
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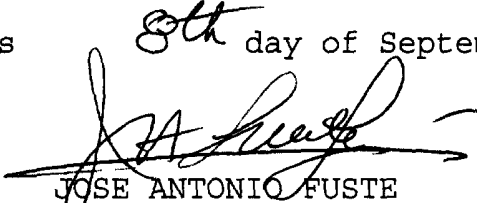
1 There is sufficient identity between the parties
2 because in the earlier Bonilla class action, the
3 class of plaintiffs included "all other persons
4 who, as a direct result of defendants' scheme,
5 . . . bought or acquired from defendants motor
6 vehicles of the Volvo model 240 GLE and/or any
7 other Volvo model." (emphasis ours). This class
8 clearly encompasses Plaintiffs, and the
9 Defendants in both actions are the same parties,
10 VCC, Trebol, and the González Defendants.

11 Docket Document No. 125. Plaintiffs' claims to the contrary are
12 simply without merit.

13 In accordance with the foregoing, we **DENY** Plaintiffs' motion for
14 reconsideration and motion to supplement. This Opinion and Order
15 disposes of Docket Documents Nos. 128 and 134.

16 **IT IS SO ORDERED.**

17 San Juan, Puerto Rico, this 8th day of September, 2000.

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JOSE ANTONIO FUSTE
U. S. District Judge